HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5280 of 2006

Date : 30-11-2007

Between :

A.Venkata Subba Reddy
and others ..
Petitioners

and

The Government of Andhra Pradesh,
Represented by its Secretary,
Irrigation, CAD Projects Wing,
L.A.II, Secretariat, Hyderabad
and others ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5280 of 2006

ORDER:

1. Heard Sri Somakonda Reddy, the learned Counsel representing the writ petitioners and the learned Assistant Government Pleader for Land Acquisition.

2. The Writ Petition is filed for a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 3 to 5 to clear the cases of the petitioners for payment of the balance of the amount of compensation as per G.O.Ms.No.234, Irrigation and CAD dated 15-10-1993 and pay the same to the petitioners.

3. The learned Counsel representing the writ petitioners placed strong reliance on the orders of this Court in W.P.No.18200/2001 and also W.P.No.18615/2001. In W.P.No.18200/2001, the learned Judge observed :

> *"Admittedly a decree was passed in terms of the settlement arrived at in the Lok Adalat and the petitioners have submitted their consent affidavits.*

The claims of the petitioners were settled and cleared in terms of G.O.Ms.No.234, dated 15-10-1993 treating the petitioners as non-litigants. There is no dispute with regard to settlement and the petitioner's entitlement to the compensation as settled and agreed in the Lok Adalat.

Having heard the learned Counsel of both sides and having regard to the facts and circumstances of the case, there shall be a direction to the respondents to pay the entire compensation as settled and agreed in the Lok Adalat in respect of the acquired lands of the petitioners within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition shall stand disposed of. No costs."

4. The writ petitioners had averred that the lands of the writ petitioners were acquired displacing several families in the Districts of Kurnool and Mahaboobnagar for constructing Srisailam Hydro Electric Project. The Land Acquisition Officer awarded compensation. The claimants not being satisfied with the meager compensation awarded by the Land Acquisition Officer, sought reference under Section 18 of the Land Acquisition Act. It is further stated that in order to put an end to the prolonged litigation, the Government agreed to settle all the pending cases before the Lok Adalat and issued G.O.Ms.No.100, Irrigation and CAD dated 14-5-1991. The State Government requested the State Legal Aid Board for

working out a reasonable settlement. The State Legal Aid Board and the District Legal Aid Committees of Kurnool and Mahaboobnagar Districts had visited the affected villages and had discussions with the oustees. The State Legal Aid Board and the Government agreed to settle all the cases/claims relating to the two following categories :

1. All cases wherein references are made under Section 18 of the Land Acquisition Act and/or in respect of which further proceedings are pending in any Court (Ops/appeals/E.Ps) and decrees not fully satisfied) classified them into the category of litigants, and
2. All awardees who are covered by a notification under Section 4(1) of the Land Acquisition Act and who have not sought references under Section 18 of the Land Acquisition Act irrespective of the fact whether at least one person covered by a notification under Section 4(1) sought references under Section 18 of the said Act and classified them into the category of non-litigants.

It is also further stated that the Government issued G.O.Ms.No.234, Irrigation and CAD dated 15-10-1993 incorporating the terms of settlement. Under the said settlement, the rates for different categories of the land are fixed. The rate of interest is also fixed. The Lok Adalat settles the amount to be paid to the category of the litigants by calculating the compensation as fixed under the said G.O. after deducting the amounts already paid. The amount was paid in instalments. It is also further averred that the petitioners had sought references under

Section 18 of the Act and they were taken on file as O.P.Nos.1238/1980, 4207/91, 3932/80, 1792/80, 133/67, 202/81, 400/80, 1537/80, 1115/80 and 2234/80 on the file of the Court of Principal Senior Civil Judge, Nandikotkur. The amount of compensation awarded by the said Court is less than the amount of compensation fixed and payable before the Lok Adalat. So the petitioners also approached the Lok Adalat for payment of the difference amount. The Lok Adalat had not paid the difference amount and hence the petitioners approached this Court in W.P.Nos.18615/2001, 18456/2001, 17999/2001, 18200/2001 and 18546/2001, 18003/2001, 22049/2001 and 21654/2001. It is also further averred that an amount of Rs.52,76,942/- by way of interest on the sum of Rs.5.25 crores allotted to the District Judge-cum-Chairman, District Legal Service Authority, Kurnool is with the said authority. The further interest earned on Rs.52,76,942/- is also with the said authority. The amount should be utilized to pay to the petitioners and others. The Government issued Memo No.8771/LA 11(2)/2005-1, dated 1-9-2005 directing the Special Collector, Srisailam Project, Kurnool to address the District Judge-cum-Chairman, District Legal Services Authority, Kurnool or remitting back the said amount to the Treasury. Accordingly, the Special Collector, Srisailam Project, addressed R.C. A2/90 dated 14-2-2005. It is also further stated that the District Judge-cum-Chairman, District Legal Services Authority, Kurnool in D.Dis.526/DLSA.2005 dated 10-8-2005 addressed the Special Collector, Srisailam Project, Kurnool requesting

him to take action to pay the petitioners and other oustees. The Special Collector, Srisailam Project addressed R.C.A2/702/2005 dated 25-8-2005 to the Special Deputy Collector, LA & Reh. 55A, Kurnool to submit a report about the cases where compensation is not paid as per the orders of this Court in the Writ Petition filed by the petitioners and others. The Secretary, District Legal Services Authority, Kurnool addressed a letter dated 17-2-2006 to the Special Collector, Srisailam Project to pay the compensation to the oustees as per the orders of this Court. Certain further facts also had been narrated in paras 10, 11 and 12 of the affidavit filed in support of the Writ Petition.

5. In the counter affidavit filed, several of the facts had not been controverted. It is stated that in order to put an end to the prolonged litigation, the Government agreed to settle all the pending cases before the Lok Adalat and issued G.O.Ms.No.234, dated 15-10-1993. The State Government requested the State Legal Aid Board for working out a reasonable settlement. The State Legal Aid Board and the District Legal Aid Committees of Kurnool and Mahaboobnagar Districts visited the affected villages and had discussions with the oustees. The State Legal Aid Board and the Government agreed to settle all the cases/claims relating to the two categories. It is further stated that all cases wherein references are made under Section 18 of the Land Acquisition Act and/or in respect of which further proceedings are pending in any Court (O.Ps./Appeals/E.Ps.) and decrees not fully satisfied

classified them into the categories of litigants. It is also further stated that all awardees who are covered by notification under Section 4(1) of the Act and who had not sought references under Section 18 of the Act irrespective of the fact whether at least one person covered by a notification under Section 4(1) sought references under Section 18 of the Act and classified them into the category of non-litigants. Further, several details had been narrated in paras 6, 7, 8, 9, 10, 11, 12 and 13 of the counter affidavit. Specific stand had been taken that the respondents had not acted illegally or contrary to the conditions laid down in G.O.Ms.No.234, Irrigation and CAD dated 15-10-1993 by not paying the difference of amounts as the petitioners themselves do not come under the purview of G.O.Ms.No.234 as they had not filed any affidavits before the District Judge-cum-Chairman, Lok Adalat for settling their cases in Lok Adalat.

6. In the light of the respective stands taken by the parties, inasmuch as these Writ Petitions are similarly placed as the writ petitioners in the other Writ Petitions which had been disposed of, W.P.No.18200/2001 and W.P.No.18615/2001, this Court is inclined to dispose of this Writ Petition with similar directions.

7. Having regard to the facts and circumstances, there shall be a direction to the respondents to pay the entire compensation as settled and agreed in Lok Adalat in respect of the acquired lands of the petitioners within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

Date : 30-11-2007

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